

May 2004

Lobbying and Advocacy WITH PUBLIC FUNDS

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A Training Blueprint

- Domains of Regulation
- Key Statutory Definitions
- Lobbying with Public Funds – An Overview
- Practical Tips
- Take Home Points



Lobbying and Advocacy: Domains of Regulation

- Public Disclosure Commission (PDC) of WA
- Your local governmental (or non-governmental) employer



Key Definitions to Understand:

Lobby and Lobbying: “attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state administrative procedure act, chapter 34.05 RCW.”

RCW 42.17.020

Key Definitions to Understand:

Grass Roots Lobbying: " Any person who has made expenditures, exceeding certain specific dollar amounts, a substantial portion of which is intended, designed, or calculated primarily to influence legislation shall be required to register and report as a sponsor of a grass roots lobbying campaign."

RCW 42.17.200

Key Definitions to Understand:

Legislation: “bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature and includes any other matter that may be subject of action by either house or any committee of the legislature and all bills and resolutions that, having passed both houses, are pending approval by the governor.”

RCW 42.17.020

Key Definitions to Understand:

Agency includes all state agencies and all local agencies. State agency includes every state office, department, division, bureau, board, commission, or other state agency. Local agency includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

RCW 42.17.020

PUBLIC AGENCY LOBBYING

Is it Lobbying? Is It Reportable?

FOUR CATEGORIES:

- There are activities that are **NOT** deemed lobbying by the PDC
- There are activities that **ARE** deemed allowable lobbying but are **NOT** reportable to the PDC
- There are activities that **ARE** deemed allowable lobbying and **ARE** reportable to the PDC
- There are activities that **ARE** considered lobbying and **ARE** deemed unallowable

These Activities Are **NOT** Considered Lobbying

- ☀ Office of Financial Management (OFM) Requests
Requests for appropriations by state agencies to OFM or requests by OFM to the legislature for state agencies.

- ☀ State Legislature
Recommendations or reports to the legislature in response to a legislative request, whether oral or written, expressly requesting or directing a specific study, recommendation or report on a particular subject

These Activities Are Also **NOT** Considered Lobbying

- ☀ Official Reports
Includes recommendations submitted periodically by a state agency as required by law
- ☀ Preparation or adoption of policy positions 'within an agency or group of agencies
- ☀ Among Government Entities
Requests, recommendations or other communications between or among public entities
- ☀ Attempts to influence federal or local legislation

These Activities ARE Determined to be Lobbying & **NOT** Reportable

LOCAL PUBLIC AGENCIES:

- Attempting to influence the action of other local agencies
- Lobbying federal agencies
- Attempting to influence the interpretation or application of existing state rule or policy

STATE PUBLIC AGENCIES:

- Attempting to influence the action of other state agencies
- Lobbying local and federal agencies

These Activities **ARE** Determined to be Lobbying & Reportable

STATE PUBLIC AGENCIES:

- Providing information or communicating on matters pertaining to official agency business
- Advocating the official position or interests of the agency
- May lobby for passage/defeat of an initiative to the legislature once before the legislature
- Requesting necessary legislative action or appropriations through proper official channels

These Activities ARE Determined To Be Lobbying and **NOT** Allowed

- ✱ Public officers and employees may not use public facilities for the purpose of promoting and opposing a ballot proposition
- ✱ Lobbying as part of a grass roots campaign “call to action”
- ✱ Gifts or contributions with public funds

Unallowable Lobbying: Ballot Propositions

- ✱ Statutory prohibition against the use of public facilities to support/oppose ballot propositions

RCW 42.52.180

- ✱ Exception: Allows use of state resources “for activities which are part of the normal and regular conduct of the office or agency”

Unallowable Lobbying: Ballot Propositions

- ✱ State agencies cannot transfer state funds to contractors to have contractors engage in prohibited activities
 - state contractors “stand in the shoes” of their public sector funding sources

PRACTICAL TIPS

What Activities Can Influence Policy Development That Is Not “Lobbying”?

- Information and education sessions for policymakers
- Educate general public about the importance of the relevant tobacco issue
- Focus on policy implementation (i.e., work with law enforcement to encourage active enforcement of current tobacco control laws)

PRACTICAL TIPS

What Activities Can Influence Policy Development That Is Not “Lobbying”?

- Provide decision-makers with technical assistance and model ordinances
- Provide the latest science and background information about the relevant issue
- Remember that private citizens can lobby without restrictions

Take Home Points

LOBBYING

- “You Are Us” – mirror state government funder policy position
- Not all advocacy activities are defined as lobbying
- Not all lobbying activities are reportable
- No grass roots lobbying **of any kind** is allowable using **state** money
- Public entities may not do indirectly (i.e., through contracting with local government and non-profits) what they cannot do directly

DISCLAIMER

Information presented here should not be relied upon as legal opinions and do not represent official positions of the Washington State Department of Health, Public Disclosure Commission, or Executive Ethics Board

For More Assistance Please Contact

PDC at 360.753.1111 or visit their web site at <http://www.pdc.wa.gov>.

Executive Ethics Board at 360.664.0871 or visit their web site at <http://www.wa.gov/ethics>